

**REMARKS**

Claims 1-3 and 5-10 are pending. Claims 1 and 10 have been amended. No new matter has been presented.

Claims 1 and 3-9 were objected to for informalities related to language usage. The claims have been amended, and withdrawal of this objection is respectfully requested.

Claims 1-9 are rejected under 35 USC 101 as being directed to nonstatutory subject matter. Claim 1 has been amended and withdrawal of this rejection is respectfully requested. Applicants thank the Examiner for the helpful suggestion in amending claim 1.

Claims 1-3 and 8-10 are rejected under 35 USC 102(e) as being anticipated by Klimasauskas, U.S. Patent 6,278,962. This rejection is respectfully overcome.

Claims 1 and 10 have been amended to incorporate the subject matter of claim 4. Claim 4 has been canceled. The Examiner rejected claim 4 as being unpatentable over Klimasauskas in view of Amado. Specifically, the Examiner admits that Klimasauskas fails to teach sorting the measurement data according to their quality, with respect to the deviation of the latter from data determined by the substitute model. The Examiner asserts that Amado teaches this feature at col. 67, lines 32-34. Applicants respectfully disagree.

Amado is directed to a system which aids executive analysis of financial data, and more specifically, to applying artificial technology to data stored in databases and to generating diagnostics that are user definable interpretations of information in the database (abstract). First, this does not relate to the invention of Klimasauskas or the claimed invention in any way, other than the fact that a computer may be used. Thus, one of ordinary skill in the art would not have been motivated to combine these references.

Further, at col. 67, lines 32-34, Amado states that sorting and goto options could be added. Merely because Amado discloses the concept of sorting does not mean that Amado discloses sorting the measurement data according to their quality, with respect to the deviation of

the latter from data determined by the substitute model. In fact, Amado is completely silent with respect to any of the claim limitations of original claim 4, except the word “sorting.” In fact, prior to the cited portion of Amado, there is a discussion of query options which allow users to classify information by levels and later limit the information displays to any desired level or levels of information (col. 67, lines 8-22). Again, Applicants fail to see how this relates in any way to what is being claimed in original claim 4. Applicants respectfully submit that neither Klimasauskas nor Amado teach or suggest the claim limitation “sorting said measurement data according to their quality, with respect to the deviation of the latter from said data determined by said substitute model.”

The Examiner also admits that Klimasauskas fails to teach picking out a predetermined number of n% of worst measurement data and picking out a predetermined number of n% of worst measurement data, but asserts that this is taught by Amado at col. 37, lines 4-5. However, at this cited portion of the reference, Amado only refers to Fig. 8, which shows the querying and EIS engine, a set of procedures for sorting, filtering and linking index tables associated to a database, the tests database and the diagnostic database, and shows synchronized database browse views of the database, tests database, and diagnostic database. Applicants fail to see how this relates in any way to picking out a predetermined number of n% of worst measurement data and picking out a predetermined number of n% of worst measurement data, as claimed. Thus, Applicants submit that neither Klimasauskas nor Amado teach or suggest picking out a predetermined number of n% of worst measurement data and picking out a predetermined number of n% of worst measurement data. Thus, these references fail to teach or suggest the features of claim 1 and 10.

The remaining claims are allowable at least due to their respective dependencies. Applicants request that this rejection be withdrawn.

Claims 4 and 5 are rejected under 35 USC 103(a) as being unpatentable over Klimasauskas in view of Amado, U.S. Patent 5,701,400. The rejection of claim 4 is respectfully moot in view of the foregoing arguments and claim amendments.

Claim 5 recites "sorting said measurement data according to their quality, with respect to the deviation of the latter from said data determined by said substitute model; and picking out a predetermined number of n% of worst measurement data unless this data lie in a continuous range." The Examiner asserts that this feature is taught by Amado. As stated above, the cited to portions of Amado do not teach or suggest that which the Examiner asserts.

Accordingly, the features of claim 5 are not taught or suggested by the cited art, either alone or in combination.

Claims 6 and 7 are rejected under 35 USC 103(a) as being unpatentable over Klimasauskas in view of Hoffberg, U.S. Patent 5,920,477. This rejection is respectfully traversed.

These claims depend, at least indirectly, from claim 1. Since Klimasauskas fails to teach or suggest the features of claim 1, and Hoffberg fails to overcome the deficiencies of Klimasauskas, these claims are allowable for the reasons set forth above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 4491220166.

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